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21 MAR 2007

NIXON & VANDERHYE
901 North Glebe Road, 11th Floor
Arlington, VA 22203-1808

In re Application of
VEILLAT et al
U.S. Application No.: 10/530,435
PCT No.: PCT/NL2003/000687
Int. Filing Date: 10 October 2003
Priority Date: 10 October 2002
Attorney Docket No.: 4662-9
For: PROCESS FOR MAKING A
MONOFILAMENT-LIKE PRODUCT

DECISION

This decision is in response to applicants' "Renewed Petition Under Rule 47" filed 09 May 2006.

BACKGROUND

On 14 March 2006, a decision¹ dismissing applicants' 37 CFR 1.47(a) petition was mailed. Applicants were given two months to respond.

On 09 May 2006, applicants filed a renewed petition under 37 CFR 1.47(a) which contained a declaration by Ton Dorrestijn and exhibits A - B.

DISCUSSION

As noted in the original decision, applicants' petition under 37 CFR 1.47(a) was dismissed for failing to show that a complete copy of the above-captioned application including specification, claims and drawings were presented to the nonsigning inventor. As such, no refusal by conduct could be shown.

Here, the 37 CFR 1.47(a) applicants submitted a declaration by Ton Dorrestijn who states that a complete copy of the application and a declaration were sent to the nonsigning inventor, Mr. Cyril David Veillat, on 05 April 2006. Petitioners included a copy of the letter dated 05 April 2006 mailed to the last known address of Mr. Veillat. This letter confirms that a complete copy of the application was provided to the nonsigning inventor. Petitioners also provided sufficient proof of delivery of the documents on 14 April 2006 in exhibit B which indicates that the delivery was signed by

¹ The PCT number, international filing date, priority date and attorney docket number were incorrectly listed on the decision dated 14 March 2006. I apologize for any confusion. Please disregard.

10/530,435

"VEILLAT."

A review of the cover letter shows that a response by Mr. Veillat was required by 01 May 2006. Mr. Dorrestijn states in his declaration signed on 05 September 2006 that "[t]o date, no written or verbal communication has been received from Mr. VEILLAT in response to my 5 April 2006 letter."

The conduct of Mr. Veillat constitutes a refusal to cooperate as contemplated by section 409.03(d) of the MPEP. Applicants have now provided sufficient evidence to meet the requirements of item (2) of 37 CFR 1.47(a).

Accordingly, all the requirements of 37 CFR 1.47(a) are now complete.

CONCLUSION

Applicants' renewed petition under 37 CFR 1.47(a) is **GRANTED**.

Applicants have completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 15 April 2003 under 35 U.S.C. 363, and a 35 U.S.C. 371 date of 28 September 2005.

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the non-signing inventor at his last known address of record and will be published in the Official Gazette.

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for continued processing.



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Mr. Cyril David Veillat
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Dear Mr. Veillat:

You are named as an inventor in the above-captioned United States national stage application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. The counsel for the applicant is listed below. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

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